

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

against

SILVESTRE RICO BELTRAN,

Defendant.

SDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #:

DATE FILED: 8/12/08

No. 07 Cr. 804 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

Before the Court are various pre-trial motions filed by both parties in this action.

For the reasons stated on the record at the conference on July 29, 2008, defendant's motions located at document numbers 49, 50, 52, 53 and 54 are denied as moot. To the extent defendant's motion located at document number 51 requests the production of material pursuant to *Giglio v. United States*, 405 U.S. 150 (1972), that motion is also denied as moot.

Defendant's motion *in limine*, located at document number 58, is granted in part and denied in part, for the reasons stated on the record at the conference on July 29, 2008. To the extent the motion seeks to exclude evidence of a prior seizure of money from defendant, the motion is denied. In all other respects, the motion is denied as moot.

For the reasons stated on the record at the conferences on July 29, 2008, and July 30, 2008 as well as on both the public record and sealed record created during trial on July 31, 2008, defendant's motion for the government's production of a confidential informant, located at document numbers 51 and/or 55, is denied.

For the reasons stated on the record at the conference on July 29, 2008, the government's motion *in limine* located at document numbers 59 and 63 is granted in part and denied in part. The government's motion to admit evidence of a prior seizure of money from defendant is

granted, pursuant to certain findings on the record. The government's motion to admit evidence of defendant's prior possession of cocaine is denied as moot.

For the reasons stated on the record on July 29, 2008 and July 30, 2008, defendant's motion to exclude the testimony of Special Agent Matthew Donahue is denied. Defendant's motion in the alternative for a hearing pursuant to *Daubert v. Merrill Dow Pharm., Inc.*, 509 U.S. 579 (1993), located at document number 64, is denied as moot.

The Clerk of the Court is respectfully directed to terminate the motions located at document numbers 49, 50, 51, 52, 53, 54, 55, 58, 59, 63, and 64.

SO ORDERED.

Dated: August 12, 2008  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE